

# **Commissioner of Political Practices**

## **Agency Overview - Highlights**

**August 2015**

*For the State Administration and Veterans' Affairs Interim Committee*

---

**Commissioner of Political Practices:** Jonathan Motl, appointed by Governor Bullock, confirmed by Senate to finish a 6-year vacated term that ends January 1, 2017. Phone: 444-4622 E-mail: JMotl@mt.gov

**Website:** <http://politicalpractices.mt.gov/default.mcp>

### **Agency Responsibilities:**

The Office of the Commissioner of Political Practices (COPP) is attached to the Secretary of State's Office for administrative purposes only. Thus, it acts as a stand alone agency, manages its own budget, staff, and work processes. The COPP's areas of responsibility are listed below.

### **Campaign Practices**

- Candidates and Political Committees
  - Receives statements of candidacy or organization and business interest disclosure
  - Posts statements for public viewing
  - Certifies to election administrators whether a candidate has complied with all requirements so name may appear on the ballot
- Campaign Finance Reports
  - Receives campaign finance reports.
  - Posts campaign finance reports for public viewing
  - Inspects campaign finance reports for facial compliance with law
- Handles Complaints
  - Accepts, files and posts complaints alleging violations
  - Issues sufficiency (or non-sufficiency) decisions on each complaint
  - Files a sufficiency decision with county attorney
  - May reach settlement or file action in state district court
- Advisory Opinions
  - Issues advisory opinions to clarify law and how it is applied

### **Lobbying**

- Lobbyists and Principals
  - Accepts registration of and fees for lobbyists and principals. Issues licenses.
- Lobbying Reports
  - Accepts lobbying reports
  - Posts lobbying reports for viewing by public
- Handles Complaints
  - Accepts, files and posts complaints
  - Issues sufficiency (or non-sufficiency) decision on each complaint
  - May settle or file action in state district court
- Advisory Opinions
  - Issues advisory opinions to clarify law and how it is applied

### **Ethics**

- Accepts ethics complaints concerning actions of state employees and public officials. Complaints are held in confidence and not posted for public viewing.
- Decides ethics complaints through contested case hearings.

# Commissioner of Political Practices

## Agency Overview - Highlights

August 2015

For the State Administration and Veterans' Affairs Interim Committee

### Ethics continued ...

- Imposes administrative penalties for ethics violation as provided by law.
- May file court action to seek enforcement
- Issues advisory opinions

### Adopts Rules

- Updates and amends agency rules to meet requirements of new or amended laws or new judicial interpretations of law.

### Programs, FTE, and Budgeted Funding - 2017 Biennium:

Source: Legislative Fiscal Division

| Programs       | FTE | General Fund | State Special | Federal Revenue | Proprietary | Other | Total Funding | % from General Fund |
|----------------|-----|--------------|---------------|-----------------|-------------|-------|---------------|---------------------|
| Administration | 7   | \$1,301,874  | \$0           | \$0             | \$0         | \$0   | \$1,301,874   | 100.00%             |

### Budget Summary:

Appropriations to the COPP for the 2017 biennium were 9.3% greater than the 2015 biennium appropriations. The legislature provided general fund increases including:

- \$85,000 each year for contract legal services from the Department of Justice
- \$24,000 for increased building rent
- \$53,260 to support online systems and database maintenance
- \$12,816 for secretarial performance adjustments and temporary services during peak workload periods

In addition, the governor's budget office used discretionary funds to fully fund a legal counsel position (1 FTE).

### Statutory Advisory Councils:

- None.

### Administratively Attached Agencies:

- None.

### Most Recent Legislative Audits:

- Financial compliance audit for biennium ending June 30, 2014.

One recommendation: The office should strengthen internal controls over recording financial transactions in accordance with state law and accounting policy. Agency concurred and complied.

# **Commissioner of Political Practices**

## **Agency Overview - Highlights**

**August 2015**

*For the State Administration and Veterans' Affairs Interim Committee*

---

### **Agency Bills Passed During 2015 Session:**

- See attachment on all 2015 Campaign Practices Bills

### **Agency Bills that Failed During 2015 Session:**

- See attachment on all 2015 Campaign Practices Bills

### **SAVA Areas of Interest 2013-2014 Interim:**

- Conducted HJR 1 study of the selection of the commissioner and the structure and duties of the office. The study resulted in a SAVA committee bill, which was passed and approved:  
SB 16 - Requires the governor to appoint the commissioner from the list of nominees

### **Hot Topics of 2015 Session:**

- SB 289 - Sponsored by Sen. Duane Ankney. Revised campaign finance laws concerning disclosure of contributions and expenditures. PASSED AND APPROVED
- Contribution limit changes: various bills were proposed and debated, but none passed. See attachment on all 2015 Campaign Practices Bills.

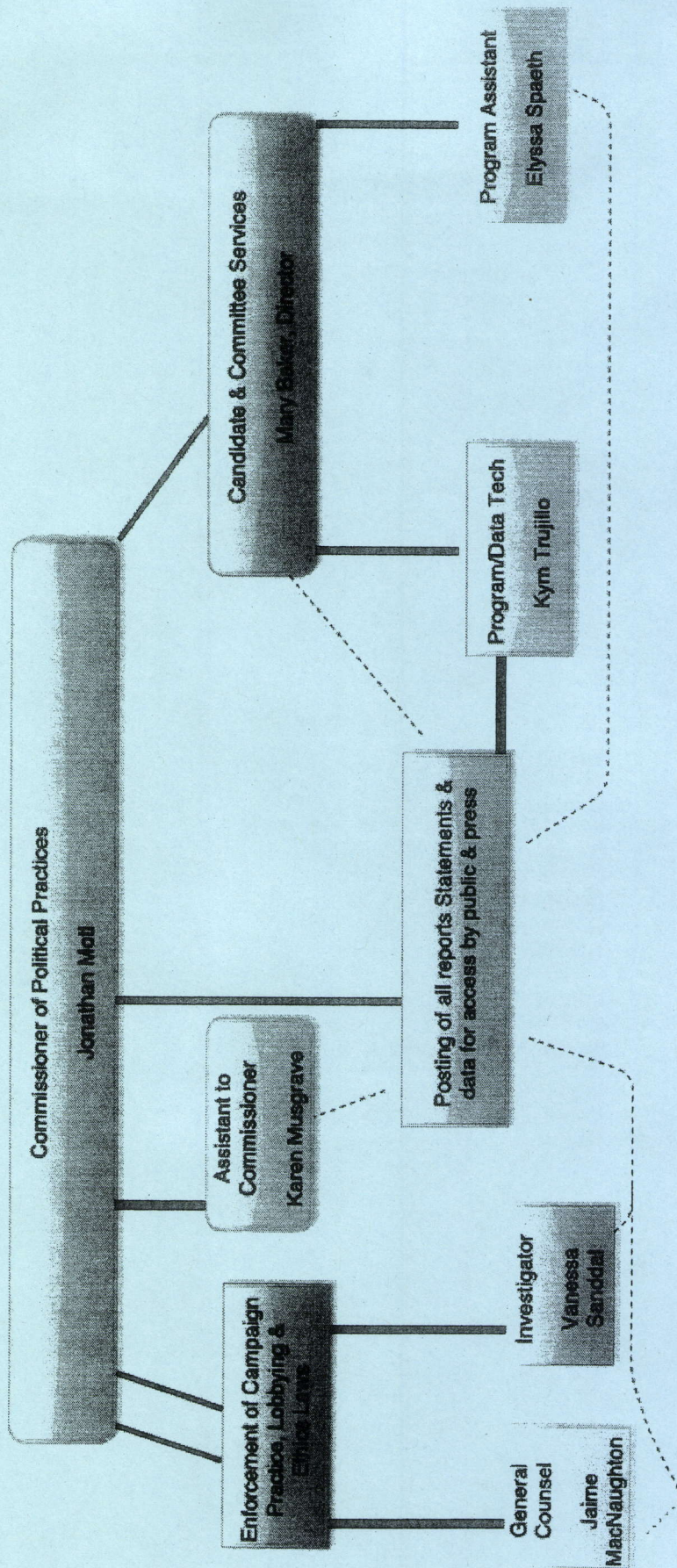
### **Statutorily Required Reports to the Committee:**

- None.

### **ATTACHMENT**

COPP Organizational Chart  
2015 Campaign Practices Bills

CI0170 5224shfa.



**Synopsis of Campaign Practices Bills & Resolutions Relevant to  
State Administration and Veterans' Affairs Interim Committee**

**2015 Legislative Session**

*Prepared by Sheri Scurr, Legislative Research Analyst  
Montana Legislative Services Division*

---

---

**Campaign Practices**

Introduced: 33  
Passed and approved: 8

**General revision**

| Bill No. | Sponsor | Short Title   | Disposition  |
|----------|---------|---|--|
| HB 514   | Person  | Revising definition of "electioneering communication" and "expenditure"; requiring disclosures on certain election communications by corporations | Adverse committee report from House State Administration adopted |
| SB 289   | Ankney  | Revise campaign finance laws concerning disclosure, contributions and expenditures, and political committees                                      | ENACTED<br>Chapter 259   |

**Office of Commissioner of Political Practices (COPP)**

| Bill No. | Sponsor                          | Short Title   | Disposition                          |
|----------|----------------------------------|---|--------------------------------------|
| HB 623   | Osmundson                        | Creating a campaign practices and ethics review board, prescribing the board's duties, creating a private cause of action for violations. | Tabled in House State Administration |
| SB 16    | D. Brown                         | Revise nomination and appointment of Commissioner of Political Practices  | ENACTED<br>Chapter 71                |
| SB 43    | Malek<br>(By Request<br>of COPP) | Authorize Commissioner to deputize in-house counsel.  | Failed 2nd reading in the Senate     |

| Bill No. | Sponsor  | Short Title                            | Disposition                              |
|----------|----------|--|--|
| SB 146   | Malek    | Require Commissioner to be an attorney | Tabled in Senate<br>State Administration |
| SR 45    | D. Brown | Confirm Jonathan Motl as Commissioner  | Not heard at<br>sponsor's request        |
| SR 53    | Sesso    | Confirm Jonathan Motl as Commissioner  | CONFIRMED<br>Filed with<br>Sec. of State |

### Candidates - filing, campaign reports

| Bill No. | Sponsor                                      | Short Title   | Disposition   |
|----------|--|---|---|
| HB 131   | Hill<br>(By Request<br>of COPP)              | Require an additional campaign finance report to<br>be filed at the start of the absentee voting period<br>(1st of May and October)   | Tabled in House<br>State Administration<br><br>* <b>Passed in SB 289</b>  |
| SB 86    | Pomnichowski<br>(By Request<br>of COPP)      | Require ballot issue committees and candidates<br>for statewide offices, legislative districts, public<br>service commission districts, or district judge<br>positions, or committee's organized to support or<br>oppose them to file campaign finance reports<br>electronically. | Tabled in Senate<br>State Administration<br><br>* <b>Passed in SB 289</b> |
| SB 151   | Kary<br>(Initiated by<br>Request of<br>COPP) | Strike requirement to file campaign finance<br>reports with election administrators.  | ENACTED<br>Chapter 167  |

### Contributions

| Bill No. | Sponsor                                   | Short Title  | Disposition  |
|----------|---|--|--|
| HB 116   | B. Bennett<br><br>(By Request<br>of COPP) | Requiring reporting and disclosure of in-kind<br>contributions by political parties to candidates,<br>exempting in-kind personal services from<br>contribution limits. | Tabled in House<br>State Administration<br><br>* <b>Passed in SB 289</b> |

| Bill No. | Sponsor     | Short Title  | Disposition                           |
|----------|-------------|--|---------------------------------------|
| HB 255   | Monforton   | Referendum to disqualify a judge if the judge received a campaign contribution from a party or a party's attorney, requiring disclosures, providing waiver of disqualification in certain circumstances. | Tabled in House Judiciary             |
| HB 409   | B. Bennett  | Authorizing the secretary of state to dissolve a corporation found to have violated the state's campaign practice laws   | Tabled in House State Administration  |
| HB 419   | Fitzpatrick | Increasing the aggregate monetary contribution limits on what a candidate for the state senate or for the house of representatives may receive from all political committees.                            | Withdrawn by sponsor before hearing   |
| HB 502   | Fitzpatrick | Increasing the aggregate contribution limits on what a candidate for the state senate or for the house of representatives may receive from all political committees. (Similar to HB 419)                 | Tabled in House State Administration  |
| SB 267   | Malek       | Prohibiting unions from contributing to candidates. Prohibiting political committees from using corporate or union funds for contributions to candidates.  | Tabled in Senate State Administration |

#### Campaigning and electioneering - restrictions, complaints, and enforcement

| Bill No. | Sponsor                       | Short Title  | Disposition  |
|----------|-------------------------------|--|--|
| HB 76    | Ellis<br>(By Request of COPP) | Extending the time period during which a person is prohibited from electioneering at or near a polling place to include days on which absentee voting is authorized. | Tabled in House State Administration                             |
| HB 77    | Ellis<br>(By Request of COPP) | Allow COPP to enforce law prohibiting robo-calls as it applies to campaign practices   | Tabled in House State Administration                             |
| HB 335   | Cook                          | Clarifying what is an "electioneering communication" for the purposes of reporting expenditures to COPP  | Adverse committee report from House State Administration adopted |

| Bill No. | Sponsor                            | Short Title  | Disposition                              |
|----------|------------------------------------|--|--|
| HB 529   | Court                              | Prohibit candidates from being poll watchers at polling places where the candidate's name is on the ballot.  | ENACTED<br>Chapter 240                   |
| HB 580   | B. Bennett                         | Prohibiting certain persons from distributing things of value at polling places.                             | ENACTED<br>Chapter 241                   |
| HB 594   | Fitzpatrick                        | Provide sanctions for frivolous campaign or election complaints  | Tabled in House<br>State Administration  |
| SB 13    | Malek                              | Require disclosure of all votes on certain printed campaign material   | Tabled in Senate<br>State Administration |
| SB 69    | Connell<br>(By Request<br>of COPP) | Allowing the COPP to enforce a prohibition on placing a campaign sign on private property without permission | Tabled in Senate<br>State Administration |
| SB 225   | D. Brown                           | Prohibit mixed partisan and nonpartisan mailers  | Failed 2nd reading in<br>Senate          |
| SB 319   | Blasdel                            | Revising determination of proper venue for campaign practices or election violation complaints               | Failed 2nd reading in<br>Senate          |
| SB 370   | Vuckovich                          | Revise corporate political contributions and expenditures  | Tabled in Senate<br>State Administration |

#### Misc.

| Bill No. | Sponsor     | Short Title   | Disposition                             |
|----------|-------------|---|---|
| HB 406   | Cook        | Require an individual or entity to certify compliance with state campaign practice laws as prerequisite of receiving a state contract                                 | Tabled in House<br>State Administration |
| HB 446   | Wagoner     | Authorizing attorney fees to be awarded to a plaintiff who prevails in a court action against the state, the COPP, or a county attorney under campaign practices laws | Failed 2nd reading in<br>Senate         |
| HB 454   | Fitzpatrick | Allowing political parties to appoint rather than elect their precinct committee representatives  | ENACTED<br>Chapter 420                  |

| Bill No. | Sponsor                             | Short Title  | Disposition                             |
|----------|-------------------------------------|--|---|
| HJR 3    | Hill                                | Resolution petitioning Congress to call a constitutional convention to amend the U.S. Constitution and address the <i>Citizens United</i> U.S. Supreme Court decision removing limits on independent expenditures during election cycles | Tabled in House<br>State Administration |
| SB 72    | T. Brown<br>(By Request<br>of COPP) | Allowing political party endorsements and expenditures in judicial elections (conforming with Supreme Court decision)  | ENACTED<br>Chapter 87                   |

CI0170 5223shob.